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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

NINE THIRTY LL INVESTMENTS, LLC, a
Delaware limited liability company, NINE THIRTY
CAPITAL PARTNERS, LLC, a Delaware limited
liability company, LEVY FAMILY PARTNERS
LLC, a Delaware limited liability company, NINE

Adv. Pro. No. 10-04443 (SMB)

THIRTY PARTNERS HOLDINGS, LLC, a
Delaware limited liability company, and STUART
J. RABIN,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF NINE THIRTY CAPITAL PARTNERS, LLC, NINE THIRTY PARTNERS
HOLDINGS, LLC AND STUART J. RABIN WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Nine Thirty Capital Partners, LLC, Nine Thirty Partners Holdings, LLC and Stuart J. Rabin (“Defendants”), by and through their counsel, K&L Gates LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed the Complaint against defendants and others.

2. On June 8, 2016, the Parties entered into a settlement agreement pursuant to the Order Pursuant to Section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure Granting Authority and Establishing Procedures for Settlement Agreements in Connection with Avoidance Actions Filed by the Trustee, entered by this Court on November 12, 2010 [Case No. 08-01789, Dkt. No. 3181].

3. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding (the “Adversary Proceeding”). All Parties will bear their own costs, attorneys’ fees and any other

expenses.

4. Upon the dismissal of Defendants, the caption of the Adversary Proceeding is hereby amended to delete Defendants from the caption. The amended caption of the Adversary Proceeding shall appear as indicated in Exhibit A to this Stipulation and Order.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors, assigns, estates, heirs, personal representatives and executors and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

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Dated: June 16, 2016

Of Counsel:

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*Attorneys for Defendants Nine Thirty Capital
Partners, LLC, Nine Thirty Partners Holdings,
LLC and Stuart J. Rabin*

SO ORDERED

Dated: June 17th, 2016
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE